

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 6189.002  
First Inventor John H. Amstad  
Title Food Processing Machine  
Express Mail Label No. EV 216212493 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 36]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. ☒ Oath or Declaration [Total Pages 2]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: **Petition to Make Special**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_ / \_\_\_\_\_

Prior application information:

Examiner: \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 34282 (Insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

Name	Gavin J. Milczarek-Desai				
Address	Durando Birdwell & Janke, P.L.C.				
	2929 E. Broadway Blvd.				
City	Tucson	State	AZ	Zip Code	85716
Country	US	Telephone	520-881-9442	Fax	520-881-9448

Name (Print/Type)	Gavin J. Milczarek-Desai	Registration No. (Attorney/Agent)	45,801
Signature	<i>Gavin J. Milczarek-Desai</i>	Date	6-24-03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

21904 U.S. PTO  
10/603683  
06/25/03

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 420.00**Complete if Known**

Application Number	
Filing Date	
First Named Inventor	John H. Amstad
Examiner Name	
Art Unit	
Attorney Docket No.	6189.002

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

04-1935

Antonio R. Durando

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	375
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$)</b> 375

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
25	-20** = 5	9	45
1	-3** = 0	42	0

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b> (\$)				

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)

0

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Gavin J. Milczarek-Desai	Registration No. (Attorney/Agent)	45,801	Telephone	520-881-9442
Signature	<i>Gavin J. Milczarek-Desai</i>	Date	6-24-03		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CASE DOCKET NO.: 6189.002  
APPLICANT: John H. Amstad  
APPLICATION TITLE: Food Processing Machine

### CERTIFICATE OF MAILING

I hereby certify that the items listed below are being deposited with the United States Postal Service utilizing the "**EXPRESS MAIL POST OFFICE TO ADDRESSEE**" service, mailing label number **EV 216212493 US**, under 37 CFR 1.10 in an envelope addressed to: MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 25<sup>th</sup> day of June, 2003.

  
\_\_\_\_\_  
Alice Vanicek

Enclosed are:

- [X] Itemized return postcard.
- [X] A check in the amount of \$420.00 to cover the filing fee.
- [ ] Provisional Application for Patent Cover Sheet
- [X] Utility Patent Application Transmittal sheet.
- [X] Fee Transmittal sheet (in duplicate).
- [X] Declaration for Utility or Design Patent Application.
- [X] Power of Attorney or Authorization of Agent.
- [ ] Statement Under 37 CFR 3.73(b).
- [ ] Nonpublication Request
- [ ] An assignment agreement and recordation cover sheet.
- [X] A specification of the invention, claims and abstract.
- [X] 5 sheets of drawings.
- [ ] photographs submitted as informal drawings for reference purposes only.
- [X] An information disclosure statement with listed references.
- [ ] Copy of priority document.
- [X] Petition to Make Special with Declaration and attachment.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: JOHN H. AMSTAD DOCKET NO.: 6189.002  
SERIAL NO.: EXAMINER:  
FILED: ART UNIT:  
TITLE: FOOD PROCESSING MACHINE

---

MAIL STOP PATENT APPLICATION	Gavin J. Milczarek-Desai
Commissioner for Patents	Durando Birdwell & Janke, PLC
P.O. Box 1450	2929 E. Broadway Blvd.
Alexandria, VA 22313-1450	Tucson, AZ 85716

CERTIFICATE OF MAILING

I hereby certify that on this 25<sup>th</sup> day of June, 2003, this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Alice B. Vanicek  
Alice B. Vanicek

TO THE COMMISSIONER FOR PATENTS

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. SECTION 1.102

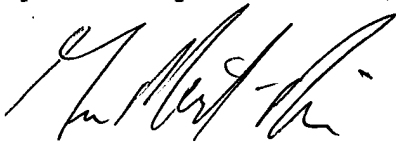
Dear Sir:

This petition is being respectfully submitted to make the above identified application "special" pursuant to 37 C.F.R. Section 1.102(c) because John H. Amstad, the inventor of the subject application, is 78 years of age. Attached is a Declaration executed by Mr. Amstad according to the requirements of 37 C.F.R. Section 1.68 and showing his date of birth to be February 16,

1925, in proof of the fact that he is older than 65 years of age.  
Also attached is a copy of Mr. Amstad's Certificate of  
Naturalization.

In accordance with 37 C.F.R. Section 1.102(d), no fee is  
required; however, should costs be associated with the processing  
of this petition, please charge them to our Deposit Account No.  
04-1935.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gavin J. Milczarek-Desai', written in a cursive style.

Gavin J. Milczarek-Desai  
Reg. No. 45,801

520 881-9442 Telephone  
520 881-9448 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: JOHN H. AMSTAD DOCKET NO.: 6189.002  
SERIAL NO.: EXAMINER:  
FILED: ART UNIT:  
TITLE: FOOD PROCESSING MACHINE

MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Gavin J. Milczarek-Desai  
Durando Birdwell & Janke, PLC  
2929 E. Broadway Blvd.  
Tucson, AZ 85716

CERTIFICATE OF MAILING

I hereby certify that on this 25<sup>th</sup> day of June, 2003,  
this correspondence is being deposited with the U.S. Postal  
Service as first class mail in an envelope addressed to: MAIL  
STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450.

By: Alice B. Vanicek  
Alice B. Vanicek

TO THE COMMISSIONER FOR PATENTS

DECLARATION

I, John H. Amstad, hereby declare that I was born on February 16,  
1925, and that I am now 78 years old.

I declare that all statements made herein of my own knowledge are  
true and that all statements made on information and belief are  
believed to be true. I further declare that I have full  
knowledge and understanding of the fact that willful false  
statements and the like made herein are punishable by fine or  
imprisonment, or both, under 18 U.S.C. 1001, and that any such  
statements may jeopardize the validity of the above-referenced  
application or of any patent granted on it.

By:

John H. Amstad  
John H. Amstad

Dated:

06/24/03

ORIGINAL  
TO BE GIVEN TO  
THE PERSON NATURALIZED

No. 8163787



DEPARTMENT OF JUSTICE

Roll No. 15634

Personal description of holder as of date of naturalization: Date of birth February 16, 1925 sex Male  
complexion Fair color of eyes Blue color of hair Blond height 6 feet 0 inches  
weight 150 pounds visible distinction marks None foreign nationality Switzerland  
Marital status Married

I certify that the description above given is true, and that the photograph affixed hereto is a likeness of me.



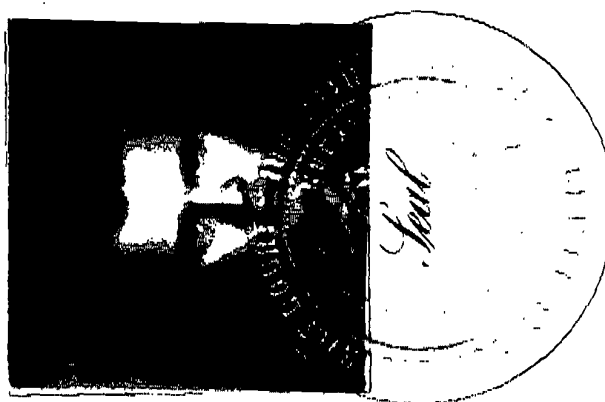
*John Henry Amstad*  
(Complete and true signature of holder)

United States of America  
West Div West Dist of Missouri

Best known that at a term of the District Court of  
The United States of America  
Kansas City, Missouri

held pursuant to law at Dec 22, 1959 the Court having found that  
on John Henry Amstad

then residing at 312 E Dartmouth, Kansas City, Missouri  
intends to reside permanently in the United States (when so required by the  
Naturalization Law of the United States), had in all other respects complied with  
the applicable provisions of such naturalization laws, and was entitled to be  
admitted to citizenship, showing on order that such person be, and (he was  
admitted as a citizen of the United States of America,  
In testimony whereof the seal of the court is hereunto affixed, this 22nd  
day of December on the year of our Lord nineteen hundred and  
Fifty-nine and of our Independence the one hundred  
and Eighty-fourth



It is a violation of the U.S. Code and  
punishable as such, to copy, print, photograph,  
or otherwise illegally use this certificate.

J. C. Truman  
Clerk of the U.S. District Court.  
By *W. D. Amstad* Deputy Clerk.

DEPARTMENT OF JUSTICE

Name changed by decree of Court from  
HANS HEINRICH AMSTAD as a part of the Naturalization  
this 22nd day of Dec, 1959, A. D.  
J. C. Truman, Clerk,

Deputy Clerk

By

